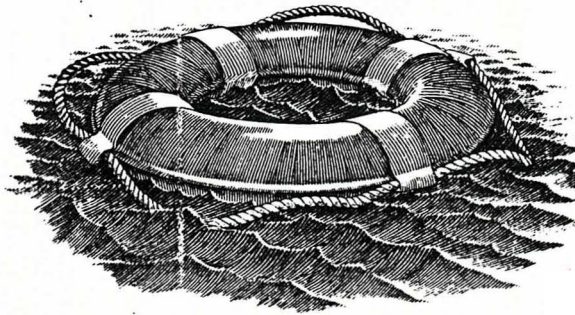


MISSOURI HOUSE OF REPRESENTATIVES

Bob F. Griffin, Speaker

**Interim
Committee on
Safe Boating**



W. T. Dawson, Chairman

December 1987

Missouri House of Representatives


Interim Committee on Safe Boating

Appointed By


Bob F. Griffin, Speaker

House of Representatives Committee Members:


W. T. Dawson, Chairman


Dewey G. Crump


Patrick J. Hickey


Marvin E. Proffer


Ronald L. Stivison

Summer 1987

Introduction

Speaker of the Missouri House of Representatives, Bob F. Griffin, in his leadership, insight and wisdom is to be applauded for his effort in appointing an interim committee on safe boating. The committee studied problems associated with safe boating on all waters of the state in order to insure the continued enjoyment and safety of all Missourians using one of Missouri's greatest assets - its lakes and rivers.

Areas of investigation included: high traffic areas resulting from increased number of both in-state and out-of-state boaters, damage to private docks caused by increased lake and river traffic, the reported lack of adequate manpower to enforce the existing statutory rules and regulations relating to safe boating, and insurance of continued tourism revenue generated by users of the waters of the state.

Absent from this report on safe boating is any reference to drunken boating. Speaker Griffin and the Committee are concerned with this important issue; however, legislation addressing this issue has been filed in the House for the past two sessions. Therefore, to avoid duplication of task, this issue has been omitted from this Committee report.

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Committee Recommendations
Included in the Proposed Legislation

1. Proof of financial responsibility -

No owner of a vessel registered in the state of Missouri shall operate the vessel or authorize any other person to operate the vessel unless the owner maintains financial responsibility.

2. Division of Water Safety -

The Division of Water Safety shall be known as the Missouri State Water Patrol.

3. Missouri State Water Patrol jurisdiction -

The Missouri State Water Patrol jurisdiction is expanded to include all waters of the state and land adjoining and within six hundred feet of the waters of the state.

4. Type V hybrid personal flotation devices

A type V hybrid personal flotation device may be substituted for a type I, II, III, or IV personal flotation device if worn properly at all times by a person on board the watercraft or a person being towed by such watercraft.

5. Parasailing -

A. No person shall engage in parasailing unless there is at least one person in addition to the operator of the watercraft in

the watercraft for the purpose of observing the person parasailing.

B. No person shall engage in the activity of parasailing during the time between sunset and sunrise.

6. Boat operation -

Every person shall operate a motorboat, vessel or watercraft in a careful and prudent manner and at a rate of speed so as not to endanger the property, life, or limb of any person and shall exercise the highest degree of care.

Note: This does not apply to a
motorboat race or other boat race authorized
under section 306.130

7. Children under seven years of age shall wear a personal flotation device -

All children under the age of seven years shall wear a Coast Guard approved personal flotation device when riding in an unenclosed area of a watercraft.

8. Prohibited operation -

No person shall operate a watercraft or vessel within one hundred feet of any dock, raft, pier, or buoyed restricted area at a speed in excess of slow-no-wake speed.

9. Taxes on trailers, boats or outboard motors -

A. Replacement of a trailer, boat, or outboard motor stolen or destroyed and replaced within ninety days shall be considered a replacement trailer, boat, or outboard motor for the purposes of taxes due.

B. Boat dealers and manufacturers are to be allowed to purchase as many duplicate certificates, (marine dealers plates) as they wish for ten dollars and fifty cents each.

C. The director of Revenue may refuse to register an applicant as a boat manufacturer. The director of Revenue may revoke certificate of numbers (marine dealer plates) from a boat manufacturer or boat dealer.

12. Certificate of title -

Provisions for title transfer for the sale of boats and resale of boats; notification of the director of Revenue in the event a boat is sold to a resident of another state, country, or if such vessel is dismantled or destroyed, are contained in this section.

Committee Recommendations not Included
in the Proposed Legislation

The Interim Committee on Safe Boating strongly urges the Missouri Division of Water Safety give careful consideration to the following recommendations:

1. Buoying areas one hundred yards on both sides of bridges and designating the buoyed area as a "no wake idle speed area".
2. Carefully analyze areas of high accident frequency or high traffic-congestion for no wake idle speed designation.

Note: The Interim Committee on Safe Boating requests the Missouri Division of Water Safety make available to the Committee an analysis of accident reports reflecting: accident cause, cost in property damage, location, time of day, number of injuries, number of fatalities, operator age, type of watercraft, if alcohol or drug related, and if the operator had attended a boating safety course. The Committee respectfully requests this report be delivered to each member by January 30, 1988.

Summary of Testimony

The committee interviewed or heard testimony from more than twenty individuals who have varying expertise and experience on the waters of the state.

Issues of agreement:

1. Mandatory financial responsibility -

Every person contacted by the committee favored this proposal.

2. More water patrol -

Every person contacted wished the state would place more water patrol in their areas.

Note: In testimony Colonel David Scott, Director of the Division of Water Safety indicated the need for more patrolmen. Training procedures, however, would not allow increases in officers of more than fifteen per year.

Lt. Colonel, Jack Reynolds, of the Division of Water Safety stated, "The lake has changed greatly from the family fishing lake it was fifteen years ago and the water patrol has not kept pace with that change.

3. Mandatory wearing of a flotation device by children under seven years of age -

This proposal met with positive response because the flotation device gives the adult time to locate the child if the child falls from the boat, is thrown from the boat by a sudden change in direction or a wave, or in the event of an accident.

4. Maximum sound levels -

Maximum sound levels in recreational boats is addressed in section 306.090. The maximum sound level measured at 50 feet or more may not exceed eighty-six decibels.

Issues of Non-agreement

1. Speed limits (day and night) -

Everyone contacted thought some type of speed regulation is necessary. One group favored fixed speed limits. Night limit proposals were from idle speed to thirty-five miles per hour and a day speed limit of between fifty-five and sixty-five miles per hour. However, enforcement of any fixed speed limit presented several problems including:

- A. Not enough patrol for adequate enforcement
- B. Many boats do not have speedometers
- C. Marine speedometers tend to be unreliable
- D. Radar guns are being used on a trial basis in Florida with varying degrees of success

- E. Water patrol boats are not fast enough to catch many of the high performance boats.

Mr. Randy Kelly opposed any type of speed limit and instead wanted no wake areas in certain high traffic areas. However, this presented problems as well including:

- A. Not enough patrol to enforce the no wake areas
- B. Determination of areas to be no wake areas
- C. Educating the public about the areas
- D. No wake areas move the dangerous areas - not remove the danger.

2. Boater education -

Opinion on this topic broke into three groups:

- A. Those who thought boater education should be mandatory for all boaters
- B. Those who thought new boaters and renters were the only ones needing boater education
- C. Those who thought boater education was being accomplished by the marine dealers and renters.

Note: The National Association of State Boating Law Administrator's adopted a set of national guidelines for mandatory boating safety education October 2, 1987.

Areas of further study

1. Personal craft - jet ski, jet bike, motorized surfboards, etc.

A great deal of discussion was centered around personal craft. The major complaints included:

- A. Child operation
- B. Noise
- C. Personal craft coming too close to other boats
or docks
- D. Inability of boat operators to see personal craft
or personal craft operators once they fall.

2. Dock safety and standards -

3. Rental safety, operation, and standards -

Persons Interviewed at Lake Ozark

July 3rd & 4th and September 5th & 6th, 1987

1. Mr. Gene Worn - Commodore, Lake Ozark Yachting Association
2. Mr. Lou Mayer, Harold Houser, and Steve Clarkson - co-operators of the Moorings, Lake Ozark
3. Mr. Richard Collins - operator of Page Marina - President of the Marine Dealers Association, Lake Ozark
4. Ms. Kay Miller - Manager of Millstone Lodge Patio Cafe, Lake Ozark
5. Mr. Bryan Taylor - past Commodore of Lake of the Ozarks Yacht Association
6. Mr. Dan Strother, General Manager and Mr. Cecil Van Tuyl, owners - Port Arrowhead Marina, Lake Ozark
7. Ms. Donna Prestien, owner of North Shore Resort and Marina, Lake Ozark
8. Mr. George Shroger - property owner, Lake Ozark
9. Officers Kellin and Rackers, Missouri Division of Water Safety
10. Mr. Peter Gore - operator - Links Landing, Lake Ozark
11. Mr. David O'Dell - Manager, Three Buoys Houseboat Vacation, Lake Ozark
12. Mr. Don Brock, Owner-operator - The Marina Marina, Lake Ozark
13. Mr. Randy Kelly - owner/operator Kelly's Port, Lake Ozark

Testifying before the Committee
in Jefferson City October 14, 1987

1. Representative Jean Mathews, 73rd legislative district
2. Mr. Richard Wooten - President of Marine Learning Institute, St. Louis
3. Mr. Bryan Taylor, past Commander of the Lake Ozarks Yachting Association
4. Mr. Randy Kelly - owner and operator of Kelly's Port, Lake Ozark
5. Captain Paul Granning - Lodge of the Four Seasons, Lake Ozark
6. Mr. Rob Bushel - representing David O'Dell, manager of Three Buoys Houseboats Vacations, Lake Ozark
7. Mr. Richard Collins, owner of Page Marina, Lake Ozark
8. Colonel David Scott, Director of Division of Water Safety
9. Lt. Colonel Jack Reynolds - Division of Water Safety
10. Mr. Rusty Clark - owner/operator of Yacht Club Marina, Lake Ozark
11. Mr. Peter Gore, Manager, Links Landing, Lake Ozark